

(2) The constitutional or statutory basis of federal jurisdiction, together with a brief statements of the facts supporting such jurisdiction.

Defendants' Statement:

Defendants object to federal jurisdiction because Plaintiff's employer, Mellon Trust of Delaware, did not employ the requisite number of employees in order to be covered by Title VII or the ADEA. Moreover, because Plaintiff has elected to proceed under federal law, she is now foreclosed from bringing her claims under Delaware law.

In addition, Defendants do not concede that Plaintiff received her right to sue notice on or about September 28, 2005.